

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

DENNIS KOESTERER, on behalf of
himself and all others similarly situated,

Plaintiff,

v.

WASHINGTON MUTUAL, INC.,
KERRY K. KILLINGER, DAVID C.
SCHNEIDER and THOMAS W. CASEY,

Defendants.

Civil Action No. 1:07-CV-9801-CM

ECF FILED

(Captions continued on subsequent page)

**DECLARATION OF GERALD H. SILK IN SUPPORT OF THE MOTION OF
ONTARIO TEACHERS' PENSION PLAN BOARD FOR APPOINTMENT AS
LEAD PLAINTIFF, APPROVAL OF ITS SELECTION OF COUNSEL AS LEAD
COUNSEL FOR THE CLASS, AND CONSOLIDATION OF ALL RELATED
ACTIONS**

JOEL ABRAMS and BRIAN ROFFE,
individually and on behalf of all others
similarly situated,

Plaintiff,

v.

WASHINGTON MUTUAL, INC.,
KERRY K. KILLINGER , STEPHEN J.
ROTELLA and THOMAS W. CASEY,

Defendants.

Civil Action No. 1:07-CV-9806-AKH

ROBERT L. GARBER, individually and
on behalf of all others similarly situated,

Plaintiff,

v.

WASHINGTON MUTUAL, INC.,
KERRY K. KILLINGER , STEPHEN J.
ROTELLA and THOMAS W. CASEY,

Defendants.

Civil Action No. 1:07-CV-11422-UA

I, Gerald H. Silk, declare as follows:

1. I am a member in good standing of the bars of the State of New York and of this Court. I am a partner in the law firm of Bernstein Litowitz Berger & Grossmann LLP. I submit this declaration in support of the Motion filed by the Ontario Teachers' Pension Plan Board ("Ontario Teachers") for appointment as Lead Plaintiff, approval of its selection of Bernstein Litowitz Berger & Grossmann LLP to serve as Lead Counsel for the Class, and for consolidation of all related actions.

2. Attached as Exhibits A through F are true and correct copies of the following documents:

Exhibit A: Certification of Ontario Teachers, with attached chart of Ontario Teachers' transactions;

Exhibit B: First notice of pendency of this class action;

Exhibit C: Subsequent notice of pendency of this class action, expanding the class period;

Exhibit D: Chart of transactions and losses (LIFO calculation);

Exhibit E: Chart of transactions and losses (FIFO calculation);

Exhibit F: Firm Biography of Bernstein Litowitz Berger & Grossmann LLP.

I declare, under penalty of perjury, that the foregoing is true and correct to the best of my knowledge.

Executed this 4th day of January, 2008.

/s/ Gerald H. Silk
Gerald H. Silk